

DOCKET NO: 241850US3



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
NORIMASA SOHMIYA, ET AL. : EXAMINER: CHEN, S. S.
SERIAL NO: 10/645,614 :
FILED: AUGUST 22, 2003 : GROUP ART UNIT: 2852
FOR: IMAGE FORMING APPARATUS :

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated September 24, 2004, Applicants elect the invention of Group I, identifying Claims 1-51 and 53-55 as readable on the elected invention. It is respectfully submitted that Claims 3, 19, 37, and 53 are generic.

The Restriction Requirement is respectfully traversed based on the decision of the Director of the U.S.P.T.O. described in *In re Kase*, 71 USPQ2d 1063 (U.S.P.T.O. Director 2004) (unpublished). The *Kase* decision states that if no reasons are given to show why claims are independent and/or distinct other than a statement that the claims are directed to a different invention, then the Restriction Requirement is improper and should be withdrawn. See *Kase* at 1064.

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As no reasons were given in the present Restriction Requirement as to why the claims are independent and/or distinct, it is respectfully requested that the Requirement to elect a single invention be withdrawn, and that a full examination on the merits of Claims 1-57 be conducted.

Respectfully submitted,

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